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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David L. Rimm et al

Serial No.: 08/976,886

Filed: November 24, 1997



Docket No.: H-1296(2)

Group: 1642

Examiner: Y. Eyler

For: "Method for the Detection, Identification, Enumeration and Confirmation of Circulating Cancer and/or Hematologic Progenitor Cells in Whole Blood"

RESPONSE TO FIRST OFFICE ACTION

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

APR 15 1999

GROUP 180

Dear Sir:

This is responsive to the Official Office Action dated March 31, 1999.

REMARKS

Claims 1-14 have been submitted for examination. Claims 1-14 stand rejected under 35 U.S.C. §112, first and second paragraphs etc., etc.. (see pages 2-9 of the O.A. for specifics).

Claims 1, 2, 5, 6, 9, 10, 13 and 14 stand rejected as being anticipated under 35 U.S.C. §102 (e) in view of Levine et al (5,635,362 and 5,834,217); and under 35 U.S.C. §102 (a) in view of Levine (5,834,217). (see page 10 of the O.A.).

Claims 1, 2, 5, 6, 9, 10, 13 and 14 stand rejected under 35 U.S.C. §102 (f) in view of Levine et al (5,635,362 and 5,834,217). (see page 10 of the O.A.).

Claims 1-10, 13 and 14 stand rejected under 35 U.S.C. §103(a) as being obvious over Levine et al (5,834,217 or 5,635,362) in view of Nagy. (see page 11 of the O.A.).

Claims 11 and 12 stand rejected under 35 U.S.C. §103(a) as being obvious over Levine et al '217 or '362 in view of Wardlaw (4,156,570). (see page 12 of the O.A.).